

REISSUE PATENT APPLICATION TRANSMITTAL

Address to: Assistant Commissioner for Patents
Box Reissue
Washington, DC 20231

Our Docket No.: R597.12-003

Date: November 11, 1999

Express Mail Label No.: EL212542640US

First Named Inventor: Rhonda S. Redman et al.

EL212542640US

Original Patent No.: 5,878,435

Original Patent Issue Date: March 9, 1999

APPLICATION FOR REISSUE OF: ☒ Utility Patent ☐ Design Patent ☐ Plant Patent

APPLICATION ELEMENTS

1. ☒ Fee Transmittal Form (Submit an original and a duplicate for fee processing)
2. ☒ Specification and Claims (amended, if appropriate) Total Pages [5]
3. ☐ Drawing(s) (proposed amendments, if appropriate) Total Sheets ☐
4. ☒ Reissue Oath/Declaration (original or copy) (37 C.F.R. 1.175) Total Pages [3]
5. Original U.S. Patent (Check One)
☒ Offer to Surrender Original Patent (37 C.F.R. 1.178)
☐ Ribboned Original Patent Grant
☐ Affidavit/Declaration of Loss
6. Original U.S. Patent currently assigned?
☐ Yes ☒ No
☐ Written Consent of all Assignees
☐ 37 C.F.R. 3.73(b) Submission
☐ Power of Attorney

ACCOMPANYING APPLICATION PARTS

7. ☒ Transfer drawings from Patent File.
8. ☐ Foreign Priority Claim (35 U.S.C. 119) (if applicable)
9. ☒ Information Disclosure Statement with Copies of Citations as Necessary
10. ☐ English Translation of Reissue Oath/Declaration (if applicable)
11. ☐ Small Entity Statement(s)
☒ Statement filed in prior application. Status still proper and desired (copy of prior Statement enclosed).
12. ☒ Return Receipt Postcard
(Should be specifically itemized)
13. ☐ Other:

14. CORRESPONDENCE ADDRESS

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Application Information

Title Line One :: Hand and forearm protector
Title Line Two ::
Total Drawing Sheets :: 5
Formal Drawings :: Y
Application Type :: Reissue
Docket Number :: R597.12-0003
Licensed - U S Government Agency ::
Contract Number ::
Grant Number ::
Secrecy Order in Parent Application :: N

Representative Information

Representative Customer Number :: 00164

Continuity Information

This application is a :: Reissue of
> Application One :: 08/968,977
Filing Date :: November 12, 1997
Patent Number :: 5,878,435
which is a :: Claim Benefit of
>> Application Two :: 60/046,481
Filing Date :: May 14, 1997
Patent Number ::

[illegible]

Filing Date ::

Country ::

Priority Claimed ::

N

1
HAND AND FOREARM PROTECTOR

CROSS REFERENCE TO RELATED APPLICATION

Applicant claims the priority date of U.S. Provisional Application 60/046,481.

BACKGROUND OF THE INVENTION

The present invention relates to hand and forearm protectors, and in particular, it relates to a hand and forearm protector that is also visually appealing. 5

Coverings for the hand and forearm or for the forearm or hand individually are well known. There are numerous reasons why such hand and forearm protectors are used. Some of these reasons relate to protection in athletics, for example, linemen wear forearm protectors in football or in-line skaters wear hand and wrist guards. Hand and forearm protectors also are used for medical reasons as restraining devices such as to protect a sprained wrist. Additional, examples of hand and forearm protectors are found in the following U.S. patents. 15

Inventor	U.S. Pat. No.	
Chang	4,011,596	
Finnieston et al.	4,765,319	
Finnieston et al.	4,873,968	
Elliot	4,967,419	
Matthews	5,402,536	
Olson et al.	5,526,531	25
Pierce, Jr.	Des. 290,766	
Pierce, Jr.	Des. 330,676	

BRIEF SUMMARY OF THE INVENTION 30

The present invention includes a hand and forearm protector having a sleeve. The sleeve has a primary opening at one end and at another end a discrete finger opening and a discrete thumb opening. A longitudinal opening is disposed along the sleeve and extends from a point directly proximal a juncture of the carpal bones and the radius of a hand of the wearer rearwardly along a foreword side of the forearm to approximately the end of the sleeve. A closure mechanism, preferably a zipper, extends from the point of the sleeve overlying the juncture of the carpal bones and radius rearwardly to the end of the sleeve for bringing the edges of the sleeve together to conform the sleeve to the forearm of the wearer. 35 40 45

BRIEF DESCRIPTION OF THE DRAWINGS 45

FIG. 1 is a perspective view of the forearm protector of the present invention.

FIG. 2 is a perspective view from a different angle of the forearm protector. 50

FIG. 3 is a side view of the forearm protector with a zipper in an open position.

FIG. 4 is a left side plan view of the forearm protector.

FIG. 5 is a top plan view of the forearm protector. 55

FIG. 6 is a bottom plan view of the forearm protector.

FIG. 7 is a right side plan view of the forearm protector.

FIG. 8 is a front plan view.

FIG. 9 is a rear plan view. 60

DETAILED DESCRIPTION OF THE
PREFERRED EMBODIMENTS

The hand and forearm protector of the present invention is generally illustrated at 10 in FIGS. 1-9. The hand and forearm protector 10 is used to cover and protect a proximal portion of a hand 21 and an entire forearm 23 of a motor- 65

5 motorcycles.

opening 18 is an opening that is discrete from and separate from the digit opening 16. The openings 16 and 18 are separated by a section 56 of the sleeve 12. The sleeve also includes a longitudinal opening 19 that overlies a forward forearm portion. By forward forearm is meant that portion of the forearm that faces forward when the arms are left to hang naturally and loosely along side the body.

20 A cylindrical-type structure into which the hand 21 is
inserted along with the entire forearm 23 of the wearer 20.
The sleeve 12 may be made of any suitable fabric that is
pliable, wear resistant and suitable for use outdoors. A
preferred material is leather although other materials suit-
25 able or popular for outdoor use are included within the scope
of the present invention.

segment 28. The outer surface segment faces away from the body when the arms are left to hang naturally and loosely along side the body while the inner segment faces the body. Similarly, the rearward surface segment 28 covers a rearward portion of the forearm 23. The sleeve 12 has a continuous uninterrupted surface through the outer segment 24, the inner segment 26 and the rearward segment surface segment 28 as illustrated in the Figures. The sleeve 12 extends away from the hand, to approximately 1 to 1½ inches from the wearers elbow 60, as best illustrated in FIG. 1. In one preferred embodiment, the sleeve 12 is made of two distinct pieces of leather, joined by sewing along a line 29 that extends along the entire length of the sleeve as best illustrated in FIG. 1, and sewn along a line 33 between the thumb opening 18 and digit opening 16, as best illustrated in FIGS. 5 and 6, and sewn along a line 31 that extends from the thumb opening 18 to the longitudinal opening 19.

50 which is sometimes referred to as the thenar muscle. In relation to bone structure, this position may also be defined as adjuncture of the carpal bones and radius. The sleeve is sewn along the line 31 such that the sleeve conforms in a snug fashion to the ball of the thumb.

55 The longitudinal opening 19 extends from this position to the end of the sleeve at the forearm opening 14 to permit inserting the hand of the wearer into the forward portion of the sleeve and once inserted, the zipper 32 is closed to conform the sleeve to the wearer's forearm. The zipper 32
60 when in a closed position brings an upper edge 38 of the segment 24 and a lower edge 40 of the segment 26 together to conform the sleeve 12 to the forearm 23 of the wearer 20 in a form-fitting fashion.

65 To insert the hand and forearm into the forearm protector of the present invention, the zipper 32 is positioned in an open position as illustrated in FIG. 3 which permits opening 19 to widen. An inner flap section 44 triangular in configu-

Although the present invention has been described with reference to preferred embodiments, workers skilled in the

5 1. A hand and forearm protector comprising:
a sleeve for overlying a forearm and a proximal hand
portion of a wearer;

10 a discrete digit opening disposed at another end of the sleeve wherein the wearer's fingers extend therethrough.

The sleeve extends past the set of joints of the metacarpals and the phalanges to a point adjacent a first set of joints of the phalanges which are adjacent to the set of joints of the metacarpals and the phalanges of the wearer's fingers leaving the joints of the phalanges exposed.

20 joint of the phalanges leaving the joint exposed;
alongitudinal opening along the sleeve extending adjacent
from a point that overlies a juncture of the carpal bones
and the radius and extending rearwardly towards the
primary opening to proximately the end of the sleeve;
25 and

2. The protector of claim 1 and further including a protective flap that extends between edges of the opening protecting the wearer from being pinched by the zipper.

4. The protector of claim 1 wherein the sleeve includes
35 decorative indicia on an uninterrupted surface.

6. The protector of claim 1 wherein the sleeve extends to a point adjacent a first knuckle of the fingers and thumb, leaving the knuckles exposed.

6. The protector of claim 1 wherein the sleeve extends to a point adjacent a first knuckle of the fingers and thumb, leaving the knuckles exposed.

DECLARATION

IN REISSUE APPLICATION

Attorney Docket No.

R597.12-0003

SPECIFICATION AND INVENTORSHIP IDENTIFICATION

As a below named inventor, I declare that:

1. I am a citizen of the United States of America and resident of Fridley, Minnesota, now residing at 98 - 64th Way, Fridley, Minnesota.

2. I believe that I am the original, first and sole inventor of the invention described and claimed in U.S. Patent No. 5,878,435, issued March 9, 1999, and in this reissue application.

3. I have reviewed and understand the contents of the reissue specification, above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information that is known to me to be material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

4. I do not know and do not believe that the invention disclosed and claimed in my U.S. Patent No. 5,878,435 and in this reissue application was ever known and used in the United States before I made the invention.

5. I believe the original patent, U.S. Patent No. 5,878,435, to be partly inoperative or invalid by reason of a defective specification or drawing.

6. In reference to paragraph 5, I believe U.S. Patent No. 5,878,435 is partly inoperative and contains at least one error by reason that I did not claim the priority date of Provisional Application No. 60/046,481. As a result, I claimed less in my U.S. Patent No. 5,878,435 than I had a right to claim.

7. I believe the original patent, U.S. Patent No. 5,878,435, is partly inoperative or invalid by reason that I claimed more or less than I had the right to claim in the patent.

8. In reference to paragraph 7, I believe U.S. Patent No. 5,878,435 is partly inoperative and contains at least one error by reason that I claimed more than my invention in claims of the scope to which I am not entitled and in terms extending beyond its intended scope or the specification of the patent application. Subject matter was drafted into the claims which was not supported by the specification. As a result, I claimed more in my U.S. Patent No. 5,878,435 than I had a right to claim.

9. By virtue of my original disclosure and the teaching contained in my U.S. Patent No. 5,878,435, I believe that I am entitled to claim my invention to its full extend, as defined in claims 1-7 of the reissue application.

10. I realize that I did not understand the full significance of the language of the claims at the time of filing or during the prosecution of my U.S. Patent No. 5,878,435. I was not familiar with the patent claims, their interpretation, and the patent process to realize that the priority date of U.S. Provisional Application No. 60/046,481 was not claimed in my U.S. Patent No. 5,878,435. Additionally, I did not realize that I claimed more than my invention allowed making my U.S. Patent No. 5,878,435 partially inoperative.

11. All errors which are being corrected in the present reissue application up to the time of filing of this declaration arose without any deceptive intention on my part, as the applicant.

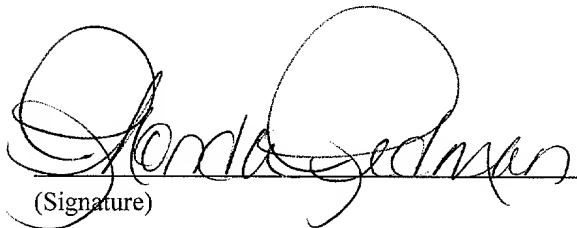
All statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; and further, these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

DESIGNATION OF CORRESPONDENCE ADDRESS

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Inventor:


(Signature)

Date:

3/1/2000

Inventor:

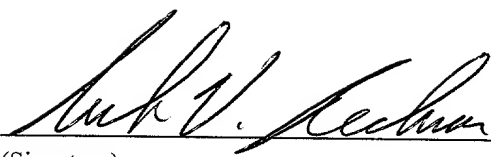
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DECLARATION

IN REISSUE APPLICATION

Attorney Docket No.

R597.12-0003

I declare that:

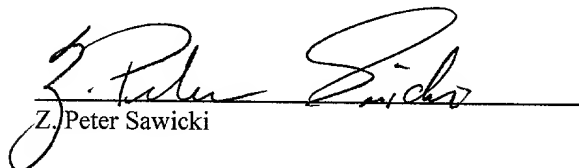
1. I am a patent attorney who conducted the patent prosecution of U.S. Patent No. 5,878,435.
2. I am a patent attorney who file U.S. Provisional Application No.60/046,481.
3. I inadvertently did not claim the priority date of U.S. Provisional Application No. 60/046,481 during the prosecution of U.S. Patent No. 5,878,435 thereby making U.S. Patent No. 5,878,435 partially inoperative.
4. I inadvertently drafted subject matter into the claims which was not supported by the specification thereby making U.S. Patent No. 5,878,435 partially inoperative.
5. I believe that my drafting subject matter into the claims which was not supported by the specification in U.S. Patent No. 5,878,435 arose without any deceptive intent on my part.
6. I believe that my failure in not claiming the priority date of U.S. Provisional Application No. 60/046,481 arose without any deceptive intent on my part.

All statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; and further, these statements were made with the knowledge that willful false statement and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

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Z. Peter Sawicki

Date: March 6, 2000

**VERIFIED STATEMENT CLAIMING
SMALL ENTITY STATUS
(INDEPENDENT INVENTOR)**

Attorney Docket No.

R597-012002

Inventor(s): Rhonda S. Kast and Ricky V. Redman

Title: HAND AND FOREARM PROTECTOR

With respect to the invention described in

- ☒ the application filed herewith:
- application Serial No. _____, filed _____;
- Patent No. _____, issued _____;

I. IDENTIFICATION OF DECLARANT AND RIGHTS AS A SMALL ENTITY

I am a below named independent inventor and I qualify as an independent inventor as defined in 37 CFR § 1.9(c) for purposes of paying reduced fees under 35 USC §§ 41(a) and (b).

II. OWNERSHIP OF INVENTION BY DECLARANT

Rights under contract or law remain with me. If the rights held are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person who could not be classified as (1) an independent inventor under 37 CFR § 1.9(c) if that person had made the invention, (2) a small business concern under 37 CFR § 1.9(d) or (3) a non-profit organization under 37 CFR § 1.9(e).

- ☒ There is no such person, concern, or organization.
- The person, concerns or organizations are listed below:

FULL NAME _____

ADDRESS _____

- ☐ Individual
☐ Small Business Concern
☐ Non-Profit Organization

III. ACKNOWLEDGEMENT OF DUTY TO NOTIFY PTO OF STATUS CHANGE

I acknowledge the duty to file, in this application or patent, notification of any change resulting in loss of entitlement to small entity status pursuant to 37 CFR § 1.28(b).

IV. DECLARATION

All statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

V.

SIGNATURES

Signature: _____

Andrew S. Kest

Date: _____

11/11/97

Signature: _____

Lucy J. Johnson

Date: _____

11/11/97

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